

CITY OF BETHLEHEM

Department of Community and Economic Development Interoffice Memo

To: Planning Commission Members

From: Tracy E. Samuelson, Planning and Zoning Bureau

Re: Waiver Request for Off Street Parking in Front of Proposed Building, 565 W. Lehigh Street

Date: August 19, 2019

Enclosed is a revised site plan from Jama Properties for the construction of a 3 story multifamily apartment building, a letter from Atty. James Holzinger dated August 8, 2019, and a letter from Dominic Villani dated July 23, 2019. Article 1311.03 of the Zoning Ordinance allows waivers to the Design Guidelines in the Zoning Ordinance to be granted by the Planning Commission for properties if existing site conditions, the nature of the proposed use, hardships, or innovations in technology warrant a waiver. The property owner, Jama Properties, is once again requesting a waiver for the placement of parking spaces between the front of the building and the front property line. Section 1311.04(b) of the Zoning Ordinance reads, "Surface off-street parking shall be located to the rear or side of principal buildings, as opposed to being newly placed between the front lot line along a street and the front wall of a new principal building". This request was not acted upon by the Planning Commission at its July 11, 2019 meeting, therefore no waiver was granted.

Since that meeting, the applicant met with Planning Bureau staff and presented a revised plan eliminating parking directly in front of the entrance, adding pavers, a pedestrian walkway, and landscaping to enhance the front entrance. The Zoning Hearing Board granted numerous variances for the construction of the 3 story multifamily dwelling at its July 24, 2019 hearing. In Atty. Holzinger's August 8, 2019 letter, he explained that a site survey was completed indicating the existence of a significant drainage swale to the rear of the Property on the abutting Conrail property. This swale extends into the subject property. When the current building was built, the swale at the rear of the subject property was filled with construction debris, grass clippings, etc. The current developer, Mr. Villani, hired a consultant to conduct an analysis of the fill in early August. The consultant confirmed that the rear area of the property was filled in after the current building was completed, and the rear of the property was unsuitable for development, including a parking area and a retaining wall. A retaining wall would involve obtaining easements from the Conrail property and possibly further disrupt the established sides of

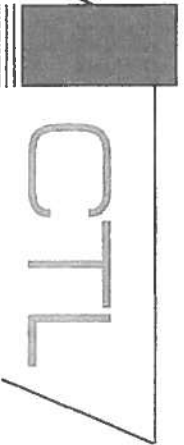
the Conrail swale. See additional attached letters from CTL Consultants and James M. Casillo.

Based upon this additional information, we recommend the approval of the waiver request for the location of off street parking in front of the proposed multifamily building, conditional upon inclusion of the front parking lot amenities shown on the site plan exhibit.

This waiver request will be presented at the August 26, 2019 Planning Commission meeting



Tracy E. Samuelson
Assistant Director of Planning and Zoning



August 19, 2019

Dominic Villani, Jr.
709 Jennings Place
Bethlehem, PA 18017

RE: 565 West Lehigh Street, Bethlehem, PA
Existing Soil Conditions at the Rear of the Building

Dear Mr. Villani:

As requested, Certified Testing Laboratories, Inc. (CTL), was on site, at the above referenced project, on 8/19/2019 to conduct a limited visual site inspection. The limited site inspection consisted of observing the existing soil conditions at the south end of the property, between the rear of the existing building and the southern property line bordering the Norfolk & Southern Railroad property and reviewing a Hanover Engineering Associates, Inc. drawing titled Planting and Soil Erosion Control Plan and dated 9-22-87.

CTL made the following observations:

- The area behind the fence line appears to have been recently cleared of overgrowth
- There is a steep elevation change leading to the Drainage and Utility Easement
- The area between the fence line and the Drainage and Utility Easement appears to have been filled
 - A shallow test pit, that appears to have been recently dug, was observed
 - The test pit soil was a fine grained soil and appeared to be light brown silty clay
 - Construction debris was observed at the test pit including bricks, cobbles and metal straps
 - Other rubble and debris was observed partially buried including deteriorated dimension lumber, concrete and tires
 - The ground surface was not level

It is CTL's opinion that the observed existing soils are fill material. Furthermore, the fill material appears to have been deposited in an uncontrolled manner without regard to the suitability of the soil material or placement in a systematic and controlled manner.

Based on the above observations, it is CTL's opinion that the existing soil material is unsuitable to support a structure or pavement. Future development of the area would require the excavation and removal of the existing soil material and be replaced with fill material designed for the intended use and placed in a series of compacted lifts to the desired elevation.



Dominic Villani Jr.
RE: 565 West Lehigh Street
Bethlehem, PA
Existing Soil Conditions
August 19, 2019

Feel free to contact me with any questions.

Respectfully submitted,
Certified Testing Laboratories, Inc.

A handwritten signature in black ink, appearing to read 'Kirt Dobbins', written over a horizontal line.

Kirt Dobbins, PE
PA Lic. # PE074627

James M. Casilio, P.E.
3412 Jacoby Rd.
Coopersburg, PA 18036

August 16, 2019

Mr. Dominic Villani, Jr.
709 Jennings Place
Bethlehem, PA 18017

RE: 565 W Lehigh St. – Bethlehem, PA
Evaluation of Existing Soils - South Section of the Property

Mr. Villani:

The scope of this evaluation entails assessing the nature of the existing soils along the south end of the property, between the existing commercial structure and the southern property line bordering property of the Norfolk & Southern Railroad. It is my understanding that this area is subject to a drainage easement.

On August 12, 2019 I visited this site, and reviewed the site plans from previous development and the proposed redevelopment. I conducted a visual inspection on the existing conditions and noted the following:

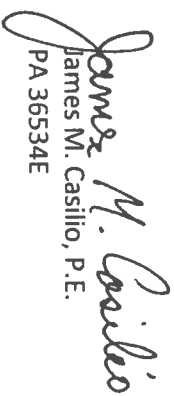
The area noted was trimmed of weeds and brush. There is a significant change in elevation between the area adjacent to the existing structure and the southern property line. The owner had prepared several hand-dug shallow pits to aid in the assessment. The soil(s) observed include a mixture of fine-grained residual soils (brown silty clay) typical to this area and construction debris including concrete, brick, and block, along with other rubble. The topography noted on the 1987 site plan differs from what I observed.

It is my opinion that this area was filled during or following the construction of the existing building. The observed nature of this fill material indicates that it was placed without consideration for the quality of the fill material utilized.

Based upon the above noted observations, it is my opinion that this material would be unsuitable for support of a structure or pavement.

If future development plans would call for a pavement to be placed over these existing soils, prudent construction practices would dictate that these materials be removed and replaced with fill designed for the intended purpose, properly placed and consolidated, and tested to ensure its performance.

Please feel free to contact me with any questions.


James M. Casilio, P.E.
PA 36534E

LAW OFFICES
HOLZINGER, HARAK & SCOMILLIO

1216 LINDEN STREET

P. O. BOX 1409

BETHLEHEM, PENNSYLVANIA 18016

TELEPHONE (610) 867-5023
FAX (610) 867-9945

JAMES J. HOLZINGER
PAUL J. HARAK
VICTOR E. SCOMILLIO
DEREK P. RICHMOND

August 8, 2019

Mr. Robert Melosky, Chairman
Planning Commission
10 East Church Street
Bethlehem PA 18018

Re: 565 West Lehigh Street (the "Property")

Dear Mr. Melosky:

As you know, this office represents 565 West Lehigh Partners LLC (the "Applicant") with respect to the above captioned Property.

Following the appearance before the Planning Commission on July 11, 2019, at which time the Planning Commission recommended to the Zoning Hearing Board ("ZHB") that parking should be in line with or behind any proposed building, the Applicant prepared for an appearance before the ZHB scheduled for July 24, 2019 (an application having been already submitted to the ZHB prior to your July 11 meeting). During preparation for the ZHB appearance, a site survey was completed that showed that there is a considerable drainage swale to the rear of the Property, the deepest part being on Conrail owned land abutting the rear of the Property, but more importantly, that this swale by design extended into the rear of the Property (as shown on the grading plan for the existing building/development of the Property). In addition, the original grading plan also showed that the swale at the rear is in a defined easement shown on that original plan.

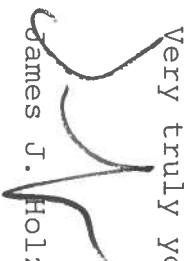
Our survey further showed that the original slope of the swale that existed at the rear of the Property was somewhat "leveled off" by the dumping of construction debris, grass clippings, and related materials. The Applicant being concerned about this original swale area (now partially filled in), retained Certified Testing Labs ("CTL") to conduct an analysis of the "fill" in that area. Upon field inspection, CTL confirmed that the area was, in fact, filled in after completion of the original development, and further, that the fill/soils at the rear of the

Property were "unsuitable" for any type of development, including a parking area, without the Applicant incurring considerable expense to remove all unacceptable fill and install a retaining wall along the rear property line. To do so would also require obtaining approval to go on the Conrail property and be at the risk of undermining the deeper, established sides of the existing Conrail swale.

At the ZHB hearing on July 24, the ZHB granted the variances regarding lot area per dwelling unit, building length and separation from building to parking area. The Petitioner already having filed its Petition with the ZHB (again prior to the July 11 Planning Commission Meeting), also pursued relief previously set forth in the Petition, to move the building to the rear of the Property with parking in front. Based upon the new information available, the ZHB unanimously granted the variance to allow parking in the front with the building to the rear, however, it conditioned its approval upon reconsideration by the Planning Commission under Section 1311.03. Incidentally, the Applicant proposed that as a condition so as to not circumvent the intent of §1311.03 of the Zoning Code.

Kindly consider this correspondence as a request to the Planning Commission to allow the Applicant to appear before it to ask that it reconsider the placement of the building/parking to the rear of the Property for this Project. The Applicant apologizes to the Planning Commission for the failure to present these newly discovered matters on July 11, 2019.

Very truly yours,



James J. Holzinger

565 West Lehigh Street City of Bethlehem

WEST LEHIGH STREET

